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10/549,253	09/12/2005	Michael Anthony Pugel	PU040066	2478
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EXAMINER				
HANCE, ROBERT J				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/549,253

**Applicant(s)**

PUGEL ET AL.

**Examiner**

ROBERT HANCE

**Art Unit**

4134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/12/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 9/12/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Applicant is advised that should claims 16 and 17 be found allowable, claims 18 and 19 will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8, 10-13, 16, 18, 20-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, WIPO Pub WO 01/56297 in view of Hicks et al., US Pub No 2004/0255326 and further in view of Thomas et al., US Patent No 5,920,801.

**As to claim 1** Naden discloses a server apparatus (Master STB 110 of Fig. 1), comprising: receiving means for receiving broadcast signals (Satellite signals are received by receivers 122 of Fig. 1 and transmitted to RF Switch 202 of Fig. 2); first processing means for generating first signals responsive to said received signals (Tuner

204 and Demod chain 206 of Fig. 2); second processing means for generating second signals responsive to said received signal (Tuner M 204 and Demod chain M 206 of Fig. 2), wherein said first signals are provided to a first client device via a transmission medium connecting said server apparatus and said first client device in response to a first request signal requesting a first desired processed signal by identifying a first program and further wherein said second signals are provided to a second client device via said transmission medium (the transmission medium is air, as the transmissions are wireless, therefore the transmission medium of both signals is the same; Fig. 1) connecting said server apparatus and said second client device in response to a second request signal requesting a second desired processed signal by identifying a second program (Downlink signals 118 carry video transport streams to slave STBs 116 for display on televisions 114, uplink signals 120 carry control signals for controlling MSTB tuners, which therefore request and identify programs; Fig. 1, Fig. 2; pg. 6 lines 7-13).

Naden fails to disclose that the first signals have a different encoding than the second signals, and these signals being analog. However, in an analogous art Hicks et al. disclose a server in a home television network which receives television signals from multiple sources, in this case satellite, terrestrial cable television and broadcast television (Fig. 1). It would be apparent to one of ordinary skill in the art that these transmissions from different sources would have different encodings, and that the signals received from at least the broadcast television signals via antenna 11 are analog signals, which are then transmitted to tuners 121 and demodulators 123 of Fig. 2. It would have been obvious to use the multiple input sources and analog signals disclosed

by Hicks et al. in the system of Naden. The rationale for this combination would have been to adapt the system of Naden to use multiple input signals, thereby increasing the programming available to viewers, and also to make the system of Naden compatible with legacy analog television sets. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Naden as modified fails to disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, thereby causing said transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium. However, in an analogous art, Thomas et al. disclose control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first signals to said first client device and to provide said second signals to said second client device, thereby causing said transmission medium to be shared between said processed signals and cable broadcast signals distributed over said transmission medium (col. 7 line 37 - col. 8 line 34; Figures 1-2 - video signals are provided to televisions 2B and 2E via shared transmission medium 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the frequency band availability detection disclosed by Thomas et al. in the system of Naden as modified. The rationale for this combination

would have been to dynamically and automatically manage the sharing of transmissions on a single cable. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**As to claim 2** Naden as modified fails to disclose said transmission medium is an RG-59 cable. However, examiner takes Official Notice that RG-59 cable was a well known and commonly available variety of coaxial cable at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use RG-59 coaxial cable in the invention of Naden as modified. The rationale for this would have been to use a commonly available cable to carry television signals. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**As to claim 3** Hicks et al. disclose a server wherein said broadcast source includes a satellite source (Fig. 1: 22).

**As to claim 4** Hicks et al. disclose a server wherein said broadcast source includes a digital terrestrial source (Fig. 1: 32).

**As to claim 5** Naden discloses the server apparatus of claim 1, wherein said receiving means processes said received signals to generate a digital transport stream

(pg. 5 line 8-15 – MPEG2 A/V streams (i.e. digital transport streams) are made available to televisions throughout the home).

**As to claim 8** Thomas et al. disclose control means which scans a plurality of frequency bands on said transmission medium to detect said available frequency bands (col. 7 line 37 - col. 8 line 34).

**As to claims 10-13, 16 and 18** see similar rejection to claims 1-4 and 8, respectively. The method of claims 10-13, 16 and 18 correspond to the apparatus of claims 1-4 and 8, respectively (claims 16 and 18 are duplicates and correspond to claim 8). Therefore claims 10-13, 16 and 18 have been analyzed and rejected.

**As to claims 20-24 and 27** see similar rejection to claims 1-4 and 8, respectively. The method of claims 20-24 and 27 correspond to the apparatus of claims 1-4 and 8, respectively. Therefore claims 20-24 and 27 have been analyzed and rejected.

4. Claims 6, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, WIPO Pub WO 01/56297 in view of Hicks et al., US Pub No 2004/0255326 in view of Thomas et al., US Patent No 5,920,801 and further in view of McCalley et al., US Patent No 5,191,410.

**As to claim 6** McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Naden as

modified. The rationale for this would have been to adapt the system of Naden as modified to be compatible with analog television sets. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**As to claim 14** Naden discloses processing said received signals to generate a digital transport stream (pg. 5 line 8-15 – MPEG2 A/V streams (i.e. digital transport streams) are made available to televisions throughout the home);

Naden as modified fails to disclose processing said digital transport stream to generate analog baseband signals; and modulating said analog baseband signals to generate said first analog signals. However, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

**As to claim 25** see similar rejection to claim 6. The apparatus of claim 25 corresponds to the apparatus of claim 6. Therefore claim 25 has been analyzed and rejected.

5. Claims 7, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, WIPO Pub WO 01/56297 in view of Hicks et al., US Pub No 2004/0255326



in view of Thomas et al., US Patent No 5,920,801 in view of McCalley et al., US Patent No 5,191,410 and further in view of Harper et al., US Patent No 5,537,141.

**As to claim 7** in an analogous art McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Naden as modified. The rationale for this would have been to adapt the system of Naden as modified to be compatible with analog television sets. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Naden as modified by McCalley et al. fails to disclose encoding means for encoding said digital transport stream to generate encoded digital signals. However, in an analogous art, Harper et al. disclose encoding means for encoding said digital transport stream to generate encoded digital signals (col. 15 lines 13-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Harper et al. with that of Naden as modified. The rationale for this would have been to include FEC encoding to video signals. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the

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combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**As to claim 15** Naden discloses processing said received signals to generate a digital transport stream (pg. 5 line 8-15 – MPEG2 A/V streams (i.e. digital transport streams) are made available to televisions throughout the home).

Naden as modified fails to disclose encoding said digital transport stream to generate encoded digital signals; converting said encoded digital signals to analog baseband signals; and modulating said analog baseband signals to generate said second analog signals.

However, in an analogous art McCalley et al. disclose converting said digital signals to analog baseband signals and modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

Naden as modified by McCalley et al. fails to disclose encoding means for encoding said digital transport stream to generate encoded digital signals. However, in an analogous art, Harper et al. disclose encoding means for encoding said digital transport stream to generate encoded digital signals (col. 15 lines 13-25).

**As to claim 26** see similar rejection to claim 7. The apparatus of claim 26 corresponds to the apparatus of claim 7. Therefore claim 26 has been analyzed and rejected.

6. Claims 9, 17, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naden, WIPO Pub WO 01/56297 in view of Hicks et al., US Pub No

2004/0255326 in view of Thomas et al., US Patent No 5,920,801 and further in view of Dufour et al., US Patent No 6,049,717.

**As to claim 9** Dufour et al. disclose a user input which selects available frequency bands (col. 24 line 54 – col. 25 line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Harper et al. with that of Naden as modified. The rationale for this would have been to give an operator control over the allocation of signals over the available frequency bands. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**As to claims 17, 19 and 28** see similar rejection to claim 9. The method of claims 17 and 19 and the apparatus of claim 28 correspond to the apparatus of claim 9. Therefore claims 17, 19 and 28 have been analyzed and rejected.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00am - 5:00am EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LunYi Lao can be reached on (571) 272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./

Examiner, Art Unit 4134

/LUN-YI LAO/

Supervisory Patent Examiner, Art Unit 4134